IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.6705 of 1996

Between:

1 L.Padma D/o laxman Singh
S.V.University, Tirupathi,
Chittoor District, AP
2 Smt .P.Veera Laxmi W/o M.Venkata Rao
S.V.University, Tirupathi,
Chittoor District, AP
3 R.Thukaram S/o R.Subrahmanyam
S.V.University, Helath Centre, Tirupathi Chittoor Dist, AP.

..... PETITIONERS

AND

1 The Registrar
S.V.University, Tirupathi,
Chittoor District, AP.
2 State of Andhra Pradesh, Rep.by its Secretary to Government,

Education Department , Secretariat, Secretariat Building,

Hyderabad, AP.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, or direction or order under article 226 of the Constitution of India , particularly one in the nature of Writ of mandamus, directing the respondents herein to pay the minimum of basic pay to the petitioners herein with effect from 9/06/1989 on par with other NMR Attenders after calling for the records.

Counsel for the Petitioner: Mr.PRATTIPATI VENKATESWARLU

Counsel for Respondent No.1: Mr.P.SREE RAMULU NAIDU

Counsel for Respondent No.2: G.P. FOR HIGHER EDUCATION

The Court made the following :

W.P.No.6705 of 1996

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to pay the minimum of basic pay to the petitioners with effect from 9-6-1989 on par with other NMR Attenders.

Under identical circumstances, the juniors of the petitioners, who are all Attenders working on NMR basis in the respondent-University, approached this Court by way of Writ Petition Nos.7351 and 7359 of 1988 and the same were disposed of on 9-6-1989 (**M. ESWAR REDDY v. SRI VENKATESWARA UNIVERSITY –** 1989 (2) ALT 437) holding as under:

> ".....In the light of the directions given by Venkataramaiah,J above referred to, and similar directions in various other cases decided recently by the Supreme Court, I direct that the Government and the University must come together and prepare a scheme for absorption of the writ petitioners in both the Writ Petitions as early as possible, or at any rate, within a period of six months from the date of receipt of this order."

Petitioners herein assert that after the said decision of this Court, their juniors were being paid Rs.740/- per month as a minimum pay; however, the same is being denied to them. In paragraphs 6 to 8 of the counter affidavit filed by the 1st respondent-University, it was stated as under:

> "6. N. Eshwar Reddy and others, who are juniors to the 1st petitioner in W.P.No.7351 of 1988 were placed on minimum pay of Rs.740/- per month, with effect from 9-6-1989 on the specific directions issued by this Honourable Court to pay the arrears with effect from 9-6-1989. While disposing of W.P.No.5635 of 1990 on 22-5-1990, this Honourable Court directed the Government of Andhra Pradesh to consider proposals submitted by the University within two months. The University sent proposals to the Government on 4-5-1990 to provide financial

assistance to implement the various orders of this Honourable Court in various petitions and to absorb the remaining daily wage workers (other than the persons, who filed Writ Petitions) also who did not file Writ Petitions.

7. All the daily wage workers (whether they approached this Honourable Court or not by filing Writ Petitions) were given minimum of the time scale viz., Rs.740/- besides D.A. and H.R.A. with effect from 1-12-1992.

8. It will result in a huge financial burden, if direction is given to pay minimum of Rs.740/- per month with D.A. and H.R.A. with effect from 6-9-1989. It is needless to state that there are several others, who stand on the same footing as that of the petitioners."

It is brought to the notice of this Court that the Judgment in **M.ESHWAR REDDY**'s case (supra) was modified in the Writ Appeals holding that the petitioners therein are not entitled for arrears of wages from the date of filing of the Writ Petitions, but from the date of Judgment in the Writ Petitions.

In view of the above and also because of the averments made in the counter, the Writ Petition is liable to be allowed in terms of the Judgment in **ESHWAR REDDY'**s case (supra), which was modified in the Writ Appeals. Accordingly, this Writ Petition is disposed of in terms of the Judgment dated 9-6-1989 in Writ Petition Nos.7351 and 7359 of 1988 (**M. ESWAR REDDY**'s case supra), which was modified in the Writ Appeals. There shall be no order as to costs.

23-12-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar
S.V.University, Tirupathi,
Chittoor District, AP.
2 The Secretary to Government, State of Andhra Pradesh,

Education Department , Secretariat, Secretariat Building,

Hyderabad, AP.,

3. 2CCs to Govt.Pleader for Higher Education, High Court Buildings, Hyderabad (OUT).

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